

# CLAY COUNTY, MINNESOTA

ORDINANCE NO. 2017- 2

**AN ORDINANCE OF THE COUNTY OF CLAY, STATE OF MINNESOTA AMENDING  
THE CLAY COUNTY CODE, TITLE 8, CHAPTER 6, RELATING TO  
AGRICULTURAL USES OF PROPERTY, SPECIFICALLY THOSE CONCERNING  
ANIMAL UNITS AS DEFINED BY THE CLAY COUNTY CODE.**

**WHEREAS**, the County of Clay, State of Minnesota (“County”) is a statutory County duly organized and existing under Article XII of the Minnesota Constitution; and

**WHEREAS**, pursuant to Minnesota Statute Chapter 394 and specifically § 394.21, the County has the power and authority to conduct and implement planning activities; and

**WHEREAS**, the County has, by ordinance, and pursuant to Minnesota Statute Chapter 394, adopted Title 8 of the Clay County Code regarding land use, zoning and development (“Development Code”);

**WHEREAS**, the County has undertaken a process to amend the Development Code provisions related to agricultural uses of property involving “animal units” and modify those provisions to correspond with an updated definition of “animal units” in the Clay County Code:

**WHEREAS**, the County hereby finds and determines that the proposed amendments are appropriate and necessary to the function and efficient operation of the County and to ensure the health, safety, morals, and general welfare of the County.

**NOW, THEREFORE, THE BOARD OF COMMISSIONERS OF THE COUNTY OF CLAY, STATE OF MINNESOTA HEREBY ORDAINS AS FOLLOWS:**

**Section 1.** Adopt the Development Code Amendments set forth within Exhibit A to Title 8 of the Clay County Code and Amendments to the Usage Table in Exhibit B. The County Hereby adopts the proposed amendments, attached hereto and incorporated herein as Exhibits A and B.

**Section 2.** Severability. If any portion of this Ordinance is found to be void or ineffective, it shall be deemed severed from this Ordinance and the remaining provisions shall remain valid and in full force and effect.

**Section 3. Effective Date.** This Ordinance shall become effective and be in force immediately upon final passage, consistent with Minnesota Statute § 375.51.

**ADOPTED BY THE CLAY COUNTY BOARD OF COMMISSIONERS**

This 2<sup>nd</sup> day of February, 2017.

  
\_\_\_\_\_  
KEVIN CAMPBELL, CLAY COUNTY BOARD OF COMMISSIONERS

ATTEST:   
\_\_\_\_\_  
BRIAN BERG, CLAY COUNTY ADMINISTRATOR

## AGRICULTURAL AND RELATED USES

### 8-6-3: STANDARDS FOR ANIMAL FEEDLOTS:

Animal feedlots in any district shall meet the following standards:

- A. **Compliance with State and Federal Regulations:** All feedlots shall comply with state and federal feedlot or confined animal feeding operation regulations.
- B. **Registration:** Feedlot owners shall provide proof that they are registered in accordance with Minnesota Pollution Control Agency rules 7020.0100 to 7020.1900.
- C. **Notification of County Planning Department:** Owners of newly established or expanding feedlots shall provide a copy of the registration required in B., above, to the Clay County Planning Department within five (5) days of registration.
- D. **Manure Storage:** Animal waste produced by an animal feedlot or stable facility shall not be stored within three hundred feet (300') of edge of a drainage ditch, wetland or public water.
- E. **Manure Spreading:** Application of manure shall be setback the following distances from dwellings, churches, campgrounds, and any incorporated municipality:
  - a. **One hundred fifty** feet (150') if incorporated within **forty-eight (48)** hours.
  - b. **Three hundred feet (300')** if not incorporated
- F. **Standards for Feedlots within Shoreland Districts:**
  - 1. **New Feedlots:** New feedlots must not be located in the shoreland of watercourses or in bluff impact zones and must meet a minimum setback of three hundred feet (300') from the ordinary high water level of all public waters basins; and
  - 2. **Modifications, Expansions:** Modifications or expansions to existing feedlots that are located within three hundred feet (300') of the ordinary high water level or within a bluff impact zone are allowed if they do not further encroach into the existing ordinary high water level setback or encroach on bluff impact zones.
- G. **Permit for Feedlots with Under 50 250 Animal Units:** Feedlots with ~~more than forty-nine (49)~~ but less than fifty (50) ~~two hundred fifty (250)~~ animal units shall obtain a permit from the Zoning Administrator verifying that requirements of this Ordinance are met. The permit application shall be accompanied by a site plan indicating structures and feeding areas, and by proof that the proposed feedlot meets state requirements.
  - 1. **Setbacks:** Animal feedlots of less than fifty (50) ~~more than forty-nine (49)~~ and less than ~~two hundred fifty (250)~~ animal units and their associated manure storage areas shall maintain the following setbacks:

**Table 8-6-1 Required Structure Setbacks from Animal Feedlots**

Use of structure on adjacent property	Setback required from animal feedlot with total confinement	Setback required from all other animal feedlots
Residence	1,000 feet	1,320 feet (1/4 mile)
All other structures	1,320 feet (1/4 mile)	2,000 feet

**2. Additional Setbacks for New Feedlots:**

- a. **Two (2)** miles from any incorporated community or **one-half** (1/2) mile from any platted subdivision.
- b. **One-hundred feet** (100') from property lines, rights of way and ditches (to include a 2-rod grass buffer strip adjacent to ditch).
3. **Responsibility:** Incorporating structure setbacks in Table 8-6-1 ~~8-5D-1~~ shall be the sole responsibility of the landowner proposing a new use whether it is the feedlot landowner or the landowner adjacent to an existing feedlot. New development must maintain the same setbacks from an existing feedlot as a new feedlot would be required to maintain from an existing development of the same type.
4. **Measurement:** The setbacks shall be measured horizontally and in a straight line, from the closest point of a structure, use, lagoon, or district to the closest point of another structure, use, lagoon or district.

H. **Conditional Use Permit for Feedlots Over 49 ~~249~~ Animal Units:** Feedlots with fifty (50) ~~two hundred fifty (250)~~ or more animal units shall require a conditional use permit and shall comply with the provisions in subsections A. through F., of this Section. Conditional feedlots shall not be permitted to have lesser setback than the requirements for smaller feedlots in subsection G.



Clay County Development Code  
Zoning Districts – Chapter 5

Table 5-1 Permitted, Conditional, Interim and Accessory Uses Allowed in Each Zoning District

Use Type	Stds	FW	FF	GFP	SP LD	SP	RD	RP- WHP	RP- BIO	RP- AGG	AG	ASC	UED (T1)	UED (T2)	HC	LHC	
A. Agricultural and Related Uses																	
Commercial agriculture including the accessory raising of less than fifty (50) animal units of livestock or poultry and their associated manure storage areas	FW SL	P	Uses are those allowed in the base district – See Flood Fringe District for standards											P	P	P	
			P	P	P	P	P	P	P		P			CP			
								P			P			P			
								P			P						
Forest management	FW	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Animal feedlots or poultry lots of 50 or more than fifty (50) animal units of livestock or poultry and less than five hundred (500) animal units	SL S					C			C	C	CP						
Animal feedlots or poultry lots of five hundred (500) or more animal units	SL S								C	C	C						
Use Type																	
B. Residential and Related Uses																	
Single-family dwelling			Uses are those allowed in the base district – See Flood Fringe District for standards											P	P		
Two-family dwelling (in cluster or subdivision only)	S										P	P		P			
Bed and Breakfast in primary residence	S							I	I	I	I	I	I	I			
Controlled access lot	SL				P	P	P										
Day care in a primary residence, adult or child	S				P	P	P	P	P	P	P	P	P	P			
Facility for supervised residential program up to six residents	S				P	P	P	P			P	P	P	P			
Facility for supervised residential program with more than six residents	S												C	C			
Second dwelling on the parcel to be used by parent(s), grandparent(s), children, sibling(s) by blood, marriage, adoption, or other special relationships.	S							I	I	I	I	I	I	I			
Use Type																	